



Attorney Docket No.: 3500.244-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Junker et al.

Application No.: 09 592.032

Group Art Unit: 1646

Filed: June 12, 2000

Examiner: F. Moezie

Confirmation No: 5100

For: Growth Hormone Crystals

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, DC 20231

Sir:

This paper is being filed in response to the Office Action mailed August 21, 2001 that made restriction and election of species requirements.

In particular, the Examiner restricted claims 1-19 into two groups:

Group I: claims 1-14 and 19, drawn to a process for the production of GH or GH derivatives and uses thereof; and

Group II: claims 15-18, drawn to crystals of hGH or hGH derivatives and a composition made therefrom.

The Examiner required election of one group of claims for continued prosecution as well as an election of a species (GH or GH derivative) and of an ultimate species of the elected species.

In response to these requirements, Applicants hereby elect, with traverse, the invention of Group I, claims 1-14 and 19, and the species of GH with the ultimate species being the hGH crystals of Example 1. Applicants hereby reserve the right to file continuing applications directed to the nonelected subject matter.

The basis for traverse is that in priority applications 07/961,932, filed January 13, 1993, 08/222,515, filed April 1, 1994 and 08/350,758, filed December 7, 1994, the Patent Office examined as a single group, claims directed to processes for the production of GH or GH derivatives and claims directed to crystals of hGH or hGH derivatives and a composition made therefrom.

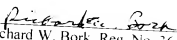
Thus, since the Patent Office previously conducted a search of prior art for claims directed to processes for the production of GH or GH derivatives and claims directed to crystals of hGH or hGH derivatives and a composition made therefrom as a single group in the above-noted priority applications, Applicants submit that there would not be a serious burden on the examiner if the restriction and the election of species and ultimate species were not required in the present application.

Applicant therefore respectfully request reconsideration and withdrawal of the restriction and election of species and ultimate species requirements.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

Respectfully submitted,

Date: December 21, 2001

  
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